

OUTLINE FOR FORENSIC SEMINAR

- Basic Legal Concepts
 - Hierarchy of Laws
 - Federal and State Court Systems
 - Anatomy of a Trial
- Fundamentals of Criminal Law
 - Elements of Crimes
 - Mens Rea
- Fundamentals of Civil Law
 - Torts
 - Family Law
 - Probate
 - Juvenile
- Basic Legal Research - use of law library
- Laws Affecting Children in Juvenile Court
 - Special Education
 - Dependency Laws
 - Laws Applying to Developmentally Disabled Minors
- Psychiatrist as Expert Witness

Readings : Morse, Crazy Behavior

Slovenko, Reflections on the Criticism of Psychiatric Expert Testimony

- Predicting Dangerousness

Readings : Grisso and Applebaum, Is It Unethical to Offer Predictions of Future

Violence ?

Barefoot v. Estelle (U.S. Sup. Ct.)

People v. Murtishaw (Calif. Sup. Ct.)

- Mental Disorder and Violent Behavior

Reading : Monahan, Mental Disorder and Violent Behavior: Perceptions and Evidence

- Tarasoff and Progeny

Readings : Tarasoff v. Board of Regents (Calif. Sup. Ct.)

Monahan, Limiaino Therapist Exposure to Tarasoff Liability

Calif. Civil Code ' 43.92

People v. Wharton (Calif. Sup. Ct.)

- Competence to Give Informed Consent

Readings : Saks, Competency to Refuse Treatment

Grisso and Applebaum, Mentally Ill and Non-Mentally Ill Patients' Abilities to Understand Informed Consent Disclosures for Medication: Preliminary Data

Riese v. St. Mary's Hospital (Calif. Sup. Ct.)

- Lawyers and Mental Health

Reading : Rothman, The Rehabilitation of the Asylum

- Sterilization and Competency to Consent

Reading : Conservatorship of Valerie N. (Calif. Sup. Ct.)

- Competency to be Executed

Reading : Ford v. Wainwright (U.S. Sup. Ct.)

- Insanity Acquittees and the Current U.S. Supreme Court

Reading : Foucha v. Louisiana (U.S. Sup. Ct.)

XV-XV VII. Ethical Issues in Forensic Psychiatry

Readings : Appelbaum, The Parable of the Forensic Psychiatrist: Ethics and the Problem of Doing Harm

Showalter, Psychiatric Participation in Capital Sentencing Procedures: Ethical Considerations

Golding, Mental Health Professionals and the Courts: The Ethics of Expertise

Kopelman, On the Evaluative Nature of Competency and Capacity Judgements

Lipkin, Free Will, Responsibility and the Promise of Forensic Psychiatry

Hermann, Autonomy, Self Determination, the Right of Involuntarily

Committees

Persons to Refuse Treatment, and the Use of Substituted Judgment in

Medication Decisions Involving Incompetent Persons

MENTAL DISABILITY LAW Professor Jan Costello

Tue. & Thurs. 6:00-7:30 p.m. Office 346 Burns

Classroom B249 (213) 736-1073

*****REVISED 06/20/00***READING ASSIGNMENTS**

Unless otherwise indicated, reading assignments will be in Reisner & Slogogin, Law and the Mental Health System

- 2nd Edition (West 1990) ["R&S"] or Supplement (West 1995) ["Supp."] California statutes and cases assigned will

be provided in separate Graphics materials or in handouts, at least one week before the class in which they will be

discussed.

Introduction

Definitions of Mental Disability I

R&S 327-331, supp. 57-61; R&S 350-4, 355-59, 361-4, Supp. 61; 371-5

Definitions of Mental Disability II - Clinical and Legal Definitions

376-403; DMS-IV (handouts)

Catchup Class

Competence to Stand Trial I

438-443, 888-93, 898 n. 4-5, 904-912

Medina v. U.S., Supp. 118-124

Cal. Penal Code ss 1367-1370, 1372, 1575.5

Competence to Stand Trial II

Jackson v. Indiana 912-9, 922 n.5

"Chemical Competency" 920-2 n.4

Riggins v. Nevada , Supp. 126-127

Competence to Plead Guilty, Waive Rights

925-940, Colorado v. Connelly, Supp. 128-143,

Godinez v. Moran

Responsibility for Criminal Acts I: Not Guilty By Reason of Insanity

491-527, Supp. 73-75, 555-563

Cal. Penal Code secs. 1026-1026.2

Responsibility for Criminal Acts II: Mens Rea/Diminished Capacity

529-38, Supp. 76-79

Cal. Penal Code secs. 25, 28, 29

Expert Testimony I: Ultimate Issue

U.S. v. Lewellyn 403-417

Menendez - Rule 29 objections (handouts)

Expert Testimony II: Dangerousness

Barefoot v. Estelle 418-431, Supp. 64-71

People v. Murtishaw (CalSCt)

Right to Expert Evaluation

Ake v. Oklahoma 450-462, Cal. Penal Code 1027

Fifth Amendment Privilege

Estelle v. Smith 462-484

Disposition After Acquittal

Jones v. U.S. 756-770

Foucha v. Louisiana - supp. 98-106

Cal. Penal Code ss 1026, 1026.1, 1026.2, 1026.3, 1026.5

Disposition After Conviction - Guilty But Mentally Ill

People v. Crews 563-572, Supp. 80-81

Post Conviction Commitments - Sexually Dangerous Predator Laws

Cal. Penal s 2960, Cal. Welf & Inst. ss 6600-6608

Kansas v. Hendricks (USSCt)

Hubbart v. Santa Clara Cnty (CalCtAp) pp. 82-87

MD Prisoners/Transfer and Involuntary Treatment

Vitek v. Jones 770-776; Washington v. Harper 848-870;

Spring Break

MD Prisoners, Cont'd/Competency to be Executed

Knecht v. Gillman 884-888;

Ford v. Wainwright 940-8, Supp. pp. 55-6

Psychiatric Liability and Prediction of Dangerousness

Tarasoff v. Regents of U.C. , 120-33

Cal Civ Code s 43.95

"Retroactive" Tarasoff and Privilege

Costello, " L.A. Law School" article (handout)

Civil Commitment - Right to Liberty

597-604 O'Connor v. Donaldson 649-656, 659-64

965-6 (Burger, C.J., Concurring)

Excerpt from The Brethren (handout)

Short-Term Involuntary Commitment

698-706, Gerstein v. Pugh, Doe v. Gallinot (9th Cir)

Cal. Welf. & Inst. Code ss 5150 et seq. (summary)

Judicial Commitments - Standard of Proof

Addington v. Texas 707-716, 694-98 n.4-6

Conservatorship of Roulet (CalSCt)

Right to Refuse Treatment

848 875 Review Wash v. Harper;

Cal. Welf. & Inst. Code 5325.2, 5332 et seq.

Riese v. St. Mary's Hospital (CalSCt)

Conservatorship

Cal. Welf. & Inst. Code ss 5350 et seq. (summary)

822-824, Conservatorship of Early (CalSCt)

Institutional Conditions-Right to Treatment

961-86 Donaldson v. O'Connor, Youngberg v. Romeo

Homelessness and Mentally Disability

999-1001, 1012-1024; Perlin article (handout)

Field trip to Dept. 95 to observe conservatorship and habeas corpus writ hearings

Possible field trip to criminal court to observe testimony

Possible field trip to community program

FORENSIC LECTURE SERIES (Example)

July - December